

Message Text

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PAGE 01 BRASIL 10419 212008Z
ACTION EB-07

INFO OCT-01 ARA-10 ISO-00 CAB-05 CIAE-00 COME-00 DODE-00
DOTE-00 INR-07 NSAE-00 CIEP-02 FAA-00 L-03 FEAE-00
TRSE-00 /035 W

----- 084321 /43

P 211850Z DEC 76
FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC PRIORITY 9238
INFO AMCONSUL RIO DE JANEIRO PRIORITY
AMCONSUL SAO PAULO

UNCLAS BRASILIA 10419

E.O. 11652: N/A
TAGS: EAIR BR
SUBJECT: AVIATION FUND LAW

REF: (A) STATE 305724, (B) BRASILIA 10363

1. FOLLOWING IS AN INFORMAL TRANSLATION OF THE BODY OF
LAW NO. 5989 OF DECEMBER 17, 1973, CONCERNING THE AVIATION
FUND (FUNDO AEROVIARIO):

"ART 1. THE AVIATION FUND, CREATED BY DECREE-LAW
NO. 270 OF FEBRUARY 28, 1967, IS AN ACCOUNTING FUND DESIGNED
TO PROVIDE FINANCIAL RESOURCES FOR THE EXECUTION AND MAIN-
TENANCE OF PROJECTS FORESEEN IN THE NATIONAL AIR SYSTEM, BEING
APPLICABLE TO PLANS, CONSTRUCTION, MAINTENANCE, OPERATION
AND ADMINISTRATION OF INSTALLATIONS AND SERVICES OF THE
AERONAUTICAL INFRASTRUCTURE.

"ART 2. THE FOLLOWING CONSTITUTE INCOME FOR THE AIR
FUND:

I -- QUOTA OF THE SOLE TAX ON LUBRICANTS AND LIQUID
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AND GASEOUS FUELS, DESTINED FOR THE AIR MINISTRY BY THE
LEGISLATION NOW IN FORCE;

II -- AIRPORT FEES COLLECTED IN THE AIRPORTS DIRECTLY
ADMINISTERED BY THE AIR MINISTRY, AS WELL AS MONETARY IN-
DEXATION AND INTEREST CHARGED FOR LATE PAYMENT;

III -- FEES FOR THE USE OF COMMUNICATIONS AND AIDS TO AIR NAVIGATION, AS ALLOCATED BY THE AIR MINISTRY, AS WELL AS MONETARY INDEXATION AND INTEREST CHARGED FOR LATE PAYMENT:

IV -- INCOME FROM THE COLLECTION OF SPECIFIC CHARGES, FOR THE USE OF AREAS, BUILDINGS, INSTALLATIONS, EQUIPMENT, FACILITIES AND SERVICES, NOT COVERED BY THE AIRPORT FEES, IN THE CIVIL AREAS OF AIRPORTS DIRECTLY ADMINISTERED BY THE AIR MINISTRY, AS WELL AS CONTRACTUAL FINES;

V -- BUDGETARY ITEMS, ADDITIONAL CREDITS AND INTERNATIONAL RESOURCES;

VI -- FINES APPLIED IN THE MANNER FORESEEN BY THE BRAZILIAN AIR CODE;

VII -- INCOME COMING FROM THE COLLECTION OF FEES RELATIVE TO THE ACTS OF THE BRAZILIAN AERONAUTICAL REGISTER AND COMPENSATION FOR EXPENSES FOR LICENSES, CERTIFICATES, VOUCHERS, INSPECTIONS, OFFICIAL CONFIRMATIONS AND RELATED ACTIVITIES OF CIVIL AVIATION;

VIII -- NET REVENUE FROM THE OPERATIONS OF THE FUND ITSELF;

IX--ANY OTHER RESOURCES THAT ARE EXPRESSEDLY ATTRIBUTED TO IT.

"ART 3. THE AVIATION FUND WILL BE ADMINISTERED BY
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THE AIR MINISTRY.

"ONLY PARAGRAPH. THE AIR MINISTRY WILL ALLOT FROM THE QUOTA OF THE SOLE TAX ON LUBRICANTS AND LIQUID AND GASEOUS FUELS, AS MENTIONED IN ITEM 1 OF THE PREVIOUS ARTICLE, FINANCIAL RESOURCES FOR INVESTMENTS IN THE AIRPORTS, INSTALLATIONS, AREAS, AND SIMILAR AND RELATED SERVICES, ATTRIBUTED TO THE ENTITIES OF THE INDIRECT FEDERAL ADMINISTRATION, ESPECIALLY CONSTITUTED FOR THESE ENDS.

"ART 4. THE RESOURCES MENTIONED IN ARTICLE 2 OF THIS LAW WILL BE DEPOSITED IN THE BANCO DO BRASIL S/A, TO THE ACCOUNT AND ORDER OF THE AIR MINISTRY, FOR CREDIT IN THE AVIATION FUND AND WILL HAVE A REVOLVING NATURE.

"ONLY PARAGRAPH. THE VERIFIED BALANCES AT THE END OF EACH FINANCIAL CYCLE WILL BE TRANSFERRED AUTOMATICALLY TO THE NEXT CYCLE, TO THE CREDIT OF THIS FUND.

"ART 5. THE BOOKKEEPING OF THE AIR FUND WILL FOLLOW

THE GENERAL NORMS ESTABLISHED BY THE GOVERNMENT CONCERNING
ACCOUNTING AND AUDITING.

"ONLY PARAGRAPH. THE RESOURCES OF THIS FUND WILL BE
RECORDED, DISTINCTLY, ACCORDING TO THEIR NATURE.

"ART 6. THE EXCECUTIVE POWER BY PROPOSAL OF THE AIR
MINISTRY, WILL ISSUE WITHIN THE PERIOD OF SIXTY DAYS, START-
ING FROM THE EFFECTIVE DATE OF THIS LAW, THE REGULATIONS
WHICH ARE CONSIDERED NECESSARY FOR ITS IMPLEMENTATION.

"ART 7. THIS LAW BECOMES VALID ON THE DATE OF ITS
PUBLICATION REVOKING ARTICLES 2, 3 4 AND 5, AND THE SOLE
PARAGRAPH OF DECREE-LAW NO. 270 OF FEBRUARY 28, 1967, AND
OTHER DISPOSITIONS TO THE CONTRARY."
CRIMMINS

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PETROLEUM, LAW, TEXT, AVIATION AGREEMENTS, SUPPLEMENTAL AIRLINES, TAXES
Control Number: n/a
Copy: SINGLE
Draft Date: 21 DEC 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976BRASIL10419
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760468-0488
From: BRASILIA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761222/aaaaasq.tel
Line Count: 130
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 76 STATE 305724, 76 BRASILIA 10363
Review Action: RELEASED, APPROVED
Review Authority: buchant0
Review Comment: n/a
Review Content Flags:
Review Date: 17 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <17 JUN 2004 by chengls>; APPROVED <12 NOV 2004 by buchant0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: AVIATION FUND LAW
TAGS: EAIR, BR, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006